

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Mortgage Broker License of:

No. 10F-BD045-SBD

3 **MORTGAGE ADVISORS, L.L.C. AND KAY**
4 **J. MOORE, MANAGING MEMBER**
5 600 South Dobson Road, #65
6 Mesa, Arizona 85202

**ORDER OF SUMMARY SUSPENSION
AND NOTICE OF OPPORTUNITY FOR
HEARING**

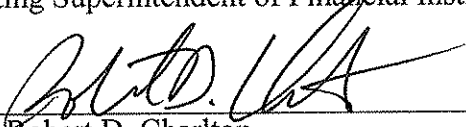
Respondents.

7 The Arizona Department of Financial Institutions (the "Department") hereby finds that
8 Mortgage Advisors, L.L.C. and Kay J. Moore, Managing Member ("Respondents") have violated the
9 provisions of the Arizona Revised Statutes ("A.R.S."), Title 6 as set forth below and finds that the
10 public health, safety and welfare require emergency action pursuant to A.R.S. §§ 6-905 and 41-
11 1092.11(B).

12 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona mortgage broker
13 license held by Respondents. **This suspension is effective immediately.**

14 EFFECTIVE this 21st day of October, 2009.

15 Thomas L. Wood
16 Acting Superintendent of Financial Institutions

17 By 
18 Robert D. Charlton
19 Assistant Superintendent of Financial Institutions

20 PLEASE TAKE NOTICE that, pursuant to Titles 6 and 41 of the Arizona Revised Statutes
21 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby
22 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The
23 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the
24 "Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and
25 shall identify with specificity the action or order for which review is sought in accordance with
26 A.R.S. § 41-1092.03(B).

1 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
2 her own behalf or by counsel. If Respondents are represented by counsel, the information required
3 by A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a
4 Request for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for
5 hearing in accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request**
6 **reasonable accommodations such as interpreters, alternative formats, or assistance with**
7 **physical accessibility.** Requests for special accommodations must be made as early as possible to
8 allow time to arrange the accommodations. If accommodations are required, call the Office of
9 Administrative Hearings at (602) 542-9826.

10 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.
11 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled
12 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an
13 Informal Settlement Conference is requested, a person with the authority to act on behalf of the
14 Department will be present (the "Department Representative"). Please note that in requesting an
15 Informal Settlement Conference, Respondents waive any right to object to the participation of the
16 Department Representative in the final administrative decision of this matter, if it is not settled. In
17 addition, any written or oral statement made by Respondents at such informal settlement conference,
18 including written documentation created or expressed solely for purposes of settlement negotiations,
19 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules
20 regarding informal settlement conferences.) Conversely, any written or oral statement made by
21 Respondents outside an Informal Settlement Conference is not barred from being admitted by the
22 Department in any subsequent hearing.

23 If Respondents do not request a hearing, this Order shall become final. If Respondents
24 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the
25 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the
26 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time

1 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
2 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
3 132; (3) the suspension or revocation of Respondents' license pursuant to A.R.S. § 6-905; (4) an
4 order to pay restitution of any fees earned on loans made in violation of A.R.S. § 6-901, *et seq.*,
5 pursuant to A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or
6 proper for the enforcement of statutes and rules regulating mortgage brokers pursuant to A.R.S. §§
7 6-123 and 6-131.

8 **FINDINGS**

9 1. Respondent Mortgage Advisors, L.L.C. is an Arizona limited liability company
10 authorized to transact business in Arizona as a mortgage broker, license number MB 0903531,
11 within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of Mortgage Advisors, L.L.C.'s business
12 is that of making, negotiating, or offering to make or negotiate loans secured by Arizona real
13 property, within the meaning of A.R.S. § 6-901(11).

14 2. Respondent Kay J. Moore ("Ms. Moore") is a Managing Member of Mortgage
15 Advisors, L.L.C. Ms. Moore is authorized to transact business in Arizona as a mortgage broker
16 within the meaning of A.R.S. § 6-903(H).

17 3. Pursuant to A.R.S. § 6-903(J), Respondents are required to have a surety bond in the
18 amount set forth in A.R.S. § 6-903(K), or an alternative as set forth in A.R.S. § 6-903(M).

19 4. On May 1, 2009, the Department received a Notice of Cancellation from RLI Surety
20 stating that Mortgage Advisors, L.L.C.'s surety bond, number PRS1164658 in the amount of ten
21 thousand dollars (\$10,000.00) was to expire effective June 29, 2009.

22 5. On May 4, 2009, the Department sent a letter via certified mail to Respondents, to the
23 address on record with the Department, informing them of the bond termination and requesting a
24 response.

25 6. On June 1, 2009, the Department received the certified letter it had mailed to
26 Respondents on May 4, 2009. The certified letter was returned unclaimed.

7. On June 3, 2009, the Department e-mailed Ms. Moore regarding the bond expiration. Ms. Moore responded to the e-mail and informed the Department that she wished to place the license on inactive status. Ms. Moore was notified that she would need to make that request during the license renewal process and that she would still need to provide proof of the reinstatement of the surety bond until that time. Ms. Moore advised the Department that she would provide proof of the surety bond.

8. On July 13, 2009, the Department e-mailed Ms. Moore and informed her that the Department had not received the required evidence of a surety bond. The Department also attempted to contact Ms. Moore via telephone.

9. Respondents failed to provide documentation regarding the reinstatement of their bond or documentation of a new surety bond.

10. Respondents do not have the required surety bond in order to conduct business as a mortgage broker.

11. The conduct described above constitutes an immediate threat to the public health, safety, and welfare warranting immediate suspension of Respondents' mortgage broker license.

12. The conduct described above constitutes grounds for the suspension of Respondents' mortgage broker license.

LAW

1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to regulate all persons engaged in the mortgage broker business and with the enforcement of statutes, rules, and regulations relating to mortgage brokers.

2. By the conduct set forth in the Findings, Respondents have failed to maintain the surety bond required by A.R.S. § 6-903(J).

3. Pursuant to A.R.S. §§ 6-905 and 41-1092.11(B), the conduct described above constitutes an immediate threat to the public health, safety and welfare warranting immediate suspension of Respondents' mortgage broker license.

1 4. Respondents have not conducted business in accordance with the law and have
2 violated Title 6, Chapter 9, which constitutes grounds for the suspension or revocation of
3 Respondents' license pursuant to A.R.S. § 6-905(A)(3).

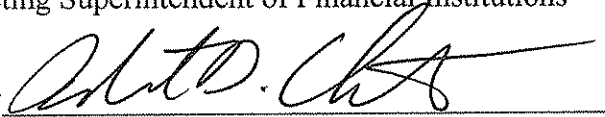
4 5. The violations, set forth above, constitute grounds for the pursuit of any other remedy
5 necessary or proper for the enforcement of statutes and rules regulating mortgage brokers in Arizona
6 pursuant to A.R.S. §§ 6-123 and 6-131.

7 6. Pursuant to A.R.S. § 6-132, Respondents' violation of the aforementioned statutes is
8 grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation for
9 each day.

10 WHEREFORE, if Respondents do not request a hearing to contest the above Findings, the
11 Superintendent shall make a finding of one or more of the alleged violations and suspend, revoke or
12 refuse to renew Respondents' license and may impose civil penalties pursuant to A.R.S. §§ 6-132, 6-
13 137 and 6-905.

14 DATED this 21st day of October, 2009.

15 Thomas L. Wood
16 Acting Superintendent of Financial Institutions

17 By 
18 Robert D. Charlton
19 Assistant Superintendent of Financial Institutions

20
21
22 ORIGINAL of the foregoing filed this 21st
23 day of October, 2009, in the office of:

24 Thomas L. Wood
25 Acting Superintendent of Financial Institutions
26 Arizona Department of Financial Institutions
 ATTN: Susan Longo
 2910 N. 44th Street, Suite 310
 Phoenix, AZ 85018

1 COPY mailed/delivered same date to:

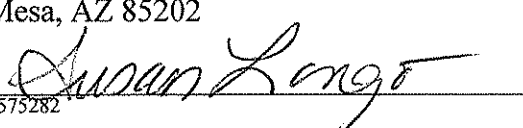
2
3 Erin O. Gallagher, Assistant Attorney General
4 Attorney General's Office
5 1275 West Washington
6 Phoenix, AZ 85007

7 Richard Fergus, Licensing Division Manager
8 Robert D. Charlton, Assistant Superintendent
9 Arizona Department of Financial Institutions
10 2910 N. 44th Street, Suite 310
11 Phoenix, AZ 85018

12 AND COPY MAILED SAME DATE, by
13 Certified Mail, Return Receipt Requested to:

14 Kay J. Moore, Managing Member
15 Mortgage Advisors, L.L.C.
16 600 S. Dobson Rd., #65
17 Mesa, AZ 85202
18 Respondents

19 Kay J. Moore, Statutory Agent for:
20 Mortgage Advisors, L.L.C.
21 600 S. Dobson Rd., #65
22 Mesa, AZ 85202

23
24 
25 #575282
26